

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 19, 2001

H021575 MEIER v CITY OF PALO ALTO, et al.

The order denying appellant's petition is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed November 19, 2001

TUESDAY, NOVEMBER 20, 2001

The Court met at 9:30 a.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Mihara, J.; and Judy Son, Deputy Clerk.

H022605 DFCS v. TRACY J.

Cause called and argued by Tracy Jaquias, Appellant appearing in Pro Per, by Teri Robinson, Deputy County Counsel, appearing for Respondent and by Robert Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted.

H019812 SHRYER, et al. v. CARMEL UNIFIED SCHOOL DISTRICT, et al.

Cause called and argued by James J. Der appearing for Appellants and by Mark E. Davis appearing for Respondents. The court allows appellant one week to file an additional citation letter, and respondent one week to respond to said letter. Upon receipt of respondent's response, the cause will be deemed submitted.

H021167 ROGERS v. S.G. BARBER CO.

Cause called and argued by Louis Spitters appearing for Appellant and by Philip M. Andersen appearing for Respondent. Cause ordered submitted.

H021113 BINKLEY v. STATE FARM CASUALTY INS. CO.

Cause called and argued by Susan M. Popik appearing by Appellant and by Anthony Marsh appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, November 20, 2001 (continued)

H022853 MONTEREY'S V.I.E.W. COMMITTEE, et al. v. CITY OF
MONTEREY, et al.; MONTEREY PENINSULA HOTEL, et al.

Cause called and argued by Susan Brandt-Hawley appearing for Appellants and by Deborah Ann Mall, Deputy City Attorney, appearing for Respondents, and by Charles R. Olsen appearing for Real Party in Interest Monterey Peninsula Hotel, and Donald G. Hubbard appearing for Real Party in Interest Cannery Row Company. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court met at 11:30 a.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; O'Farrell, J.*; and Judy Son, Deputy Clerk.

(*Judge of the Monterey Superior Court sitting under assignment by the Chairperson of the Judicial Council.)

H023539 CONSUELO H. v. SUPERIOR COURT; SANTA CRUZ HUMAN
RESOURCES AGENCY

Cause called and argued by Elisabeth Aimee Lord appearing for Petitioner and by Shannon M. Sullivan, Deputy County Counsel, appearing for Real Party in Interest. Cause ordered submitted. Court adjourns.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Mihara, J.; and Jane V. Flor, Deputy Clerk.

H020661 PEOPLE v. PIMENTEL

Cause called and argued by Kevin G. Little appearing for Appellant and by George F. Hindall, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, November 20, 2001 (continued)

H022492 MURPHY v. MURPHY

Cause called and argued by Russell A. Robinson appearing for Appellant and by Kenneth Machado appearing for Respondents. Cause ordered submitted.

H020383 VIRTUE INDUSTRIES, INC., et al. v. VERDE

Cause called and argued by Paul W. Breen appearing for Appellant and by Anne M. Frassetto-Olson appearing for Respondents. Cause ordered submitted.

H021933 CROOK v. CONTRERAS

H021934 CROOK v. CONTRERAS

Cause called and argued by Michael Patiky Miller appearing for Appellant and by Michael Desmarais appearing for Respondents. Cause ordered submitted. Court is adjourned.

H021657 PEOPLE v. ROBINSON

The judgment is reversed. The matter is remanded for trial or other disposition as to count 1 only. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed November 20, 2001

H021978 PEOPLE v. FERNANDEZ

The restitution order of August 4, 2000, awarded victim restitution of \$32,000.00 as set forth in the supplemental probation report. This order must be modified to a total of \$27,000.00, due to a lack of evidence that 5 of 26 claimants are entitled to restitution. As so modified, the order is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., O'Farrell, J.*)

Filed November 20, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Tuesday, November 20, 2001 (continued)

H021012 PEOPLE v. KIM

The judgment is reversed and remanded for a new sentencing hearing. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., O'Farrell, J.*)

Filed November 20, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

H021153 DVD COPY CONTROL ASSOCIATION v. BUNNER

By the Court*:

Appellant's request for modification of the opinion in the above-entitled cause is denied.

Filed: November 20, 2001

*Before Premo, Acting P.J., Elia, J. and Mihara, J.

WEDNESDAY, NOVEMBER 21, 2001

H021340 DKB HOMES v. CITY OF SAN JOSE

The judgment of dismissal is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed November 21, 2001

Sixth Appellate District

San Jose, California

Wednesday, November 21, 2001 (continued)

H021993 PEOPLE v. NOAH C.

H023313 In re NOAH C. on habeas Corpus

H022104 PEOPLE v. MICHAEL C.

H023346 In re MICHAEL C. on Habeas Corpus

The judgments are affirmed.

Both minors petition for writs of habeas corpus based on ineffective assistance of counsel for failing to object to the "improper restitution standard" and for failing to challenge the number of Combat barrels and paintball guns returned to Howell. These contentions have been shown on appeal to have no merit. The petitions for a writ of habeas corpus are denied. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed November 21, 2001

H022397 PEOPLE v. RIEL

H023174 In re RIEL on Habeas Corpus

The judgment is affirmed.

A prima facie case for extraordinary relief having been established by defendant's writ petition, the Santa Clara County Probation Department is ordered to show cause why defendant's petition for a writ of habeas corpus should not be granted. The Probation Department is further ordered to submit its return to the trial court, which shall then conduct an evidentiary hearing to determine the truth of the allegations in the writ petition, and which is granted jurisdiction to grant or deny relief. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed November 21, 2001

H021628 GUERRERO v. WINDSOR SQUARE HOMEOWNERS ASSOCIATION

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed November 21, 2001

Sixth Appellate District

San Jose, California

Wednesday, November 21, 2001 (continued)

H022956 PEOPLE v. HOEIM

The judgment is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)

Filed November 21, 2001

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.

H020860 PEOPLE v. SALAZAR, et al.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed November 21, 2001

H021758 PEOPLE v. MURPHY

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
O'Farrell, J.*)

Filed November 21, 2001

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.